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SSA 67-0110

Approved For Release 2002/06/10 : CIA-RDP68-00140R000200080022-8

OGC 63-3562a

OGC Has Reviewed

5 MAY 1964

MEMORANDUM FOR: Chief, Africa Division

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ATTENTION: []

SUBJECT: Eligibility for Use of Home Leave

1. On 3 December you requested our review of a case in which a staff employee entered on duty [] on 10 September 1959, returned to the United States for home leave travel and use of annual leave in April 1962, and began his second tour in [] on 25 April 1962. He was returned to Headquarters on 10 December 1963, prior to completion of the two-year tour of duty, because of the further unavailability of []. You have asked whether he may use the forty-eight days of home leave accrued since 7 September 1960 despite the fact that he is not eligible for home leave travel.

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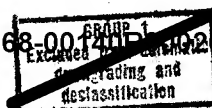
2. On 13 December [] of this Office told Mr. [] that there was no way that this employee could utilize his accrued home leave at that time in view of his failure to serve 24 months in continuous duty abroad since his last Government-reimbursed travel to the United States for other than duty purposes. However, the Government Accounting Office and the Civil Service Commission have recently informally advised this Office that the requirement of "continuous service" in Section 203(f) of the Annual and Sick Leave Act of 1951, as amended by the Overseas Differentials and Allowances Act of 1960, does not mean that an employee must actually spend 24 months outside the United States. In particular, they stated that even annual leave does not break the 24 months' continuous overseas service requirement.

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3. The authority to grant home leave is limited by the Civil Service Regulations which state that home leave may be granted to an employee "within a reasonable time after his return from service

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abroad" 5 CFR 30.606(c). However, the Agency has defined the "reasonable time" to mean six months [redacted] (3.)

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4. Therefore, your employee's annual leave in the United States in April 1962 did not break his continuous overseas service, and he is entitled to use his accrued home leave at this time. Moreover, this leave should be taken within six months from his return to the United States on 10 December.

SIGNED

[redacted]
Office of General Counsel

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cc: Assistant SSA-DD/S
C/PRS [redacted]

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